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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,628	11/12/2003	Tyler Thomas Parham	Tyler 2 US	9272

7590 02/20/2008

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EXAMINER	
CARLOS, ALVIN LEABRES	
ART UNIT	PAPER NUMBER
3714	
MAIL DATE	DELIVERY MODE
02/20/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/712,628	PARHAM, TYLER THOMAS	
	Examiner	Art Unit	
	ALVIN L. CARLOS	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *3/26/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a Final Office action in response to communications received November 16, 2007.

Response to Amendments

2. Applicant's amendments to the Oath/Declaration are sufficient to overcome the objection set forth in the previous office action.

3. Applicant's amendments to the Specification are sufficient to overcome the objection to the Abstract set forth in the previous office action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 2, 4, and 6-9 stand rejected under 35 U.S.C. 102(e) as being anticipated by Cannon US20030119581.

Re claim 2, Cannon teaches a gaming network having a plurality of gaming devices, a method of involving multiple players and their gaming devices in a secondary type game (paragraphs 0019 and 0029), the method comprising: initiating a primary

type game by using a first gaming device (paragraphs 0029 and 0049), qualifying the first gaming device to participate in a secondary type game (paragraphs 0029 and 0050), triggering a secondary game indication cycle to run before the secondary type game is initiated (paragraphs 0049-51), secondary game indication cycle is capable of running for a predetermined duration (paragraphs 0049-0051), qualifying, during said predetermined duration of said secondary game indication cycle, additional gaming devices to participate in the secondary type game (paragraphs 0049- 0051), and upon conclusion of said secondary game indication cycle, initiating the secondary type game (paragraphs 0049-0051), and awarding payout awards, to every gaming device qualified to participate in the secondary type game (paragraphs 0058-0061, 0066).

Re claim 4, Cannon teaches a method for enabling multiple networked gaming devices to participate in a secondary game (paragraphs 0035 and 0039-0045), the method comprising: providing a first gaming device that qualifies for a secondary game (paragraphs 0049-0050), providing a secondary game indication cycle indicative that the first gaming device has qualified for the secondary game (paragraphs 0049-51), qualifying additional gaming devices to participate in the secondary game before expiration of said secondary game indication cycle (paragraphs 0049-0051), and initiating the secondary game (paragraphs 0049-0051), and awarding a payout award to all qualified gaming devices including the first gaming device and the additional devices qualified to participate in the secondary game (paragraphs 0058-0061).

Re claim 6, Cannon teaches further comprising qualifying the first gaming device for additional secondary type games (paragraphs 0010, 0021, 0034-0036) , during pendency of the secondary game indication cycle (paragraphs 0059).

Re claim 7, Cannon teaches the secondary game indication cycle expires after a designated duration (paragraphs 0049-0051).

Re claim 8, Cannon teaches the secondary game indication cycle expires after a predetermined number of primary plays after qualification of the first gaming device (paragraphs 0049-0051).

Re claim 9, Cannon teaches the secondary game indication cycle expires after a predetermined number of predetermined primary game outcomes after qualification of the first gaming device (paragraphs 0049-0051).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 3, 5, and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Cannon US20030119581in view of Sharpless (US 2003/0100361). See the previous office action report for details.

Re claim 1, Cannon teaches a method for enabling multiple networked gaming devices to participate in a secondary game (paragraphs 0019, 0020, 0048), the method

comprising: providing a first gaming device for initiating a primary game (paragraphs 0049-0051), qualifying the first gaming device to participate in a secondary game by using a predetermined primary game outcome (paragraphs 0049-0051), qualifying additional gaming devices to participate in the secondary game by using predetermined primary game outcomes (paragraphs 0021, 0048-0049), the additional gaming devices are qualified during a designated duration after said first gaming device is qualified or during a predetermined number of primary game plays after qualification of said first gaming device (paragraphs 0049-0051), increasing a payout award of the secondary game by a value (paragraphs 0059-0060), and initiating the secondary game and awarding, to every gaming device qualified to participate in the secondary game the payout award of the secondary game (paragraphs 0058-0061).

However, Cannon fails to teach the following claim limitation as taught by Sharpless: after each additional gaming device is qualified, the method further comprising increasing the secondary payout award (paragraphs 0052-0053).

It would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon invention in view of Sharpless in order to provide a bonus game architecture for shared competitive, collaborative or both types of bonus gaming among a plurality of players as taught by Sharpless (paragraph 0017 lines 1-4). In addition, it was made to include the aforementioned limitation in order to give players an incentive to continue playing the game so that they can qualify for a bonus round thereby increasing the payout.

Re claim 3, Cannon teaches the invention as discussed above. Furthermore, Cannon teaches a multiplier (paragraphs 0007, 0058-0059).

However, Cannon fails to teach the following claim limitation as taught by Sharpless: the method further comprising increasing the secondary payout award after each additional gaming device is qualified (paragraphs 0052-0053).

It would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon invention in view of Sharpless in order to provide a bonus game architecture for shared competitive, collaborative or both types of bonus gaming among a plurality of players as taught by Sharpless (paragraph 0017 lines 1-4). In addition, it was made to include the aforementioned limitation in order to give players an incentive to continue playing the game so that they can qualify for a bonus round thereby increasing the payout.

Re claim 5, Cannon teaches the invention as discussed above.

However, Cannon fails to teach the following claim limitation as taught by Sharpless: the method further comprises increasing the secondary payout award after each additional gaming device is qualified (paragraphs 0052-0053).

It would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon invention in view of Sharpless in order to provide a bonus game architecture for shared competitive, collaborative or both types of bonus gaming among a plurality of players as taught by Sharpless (paragraph 0017 lines 1-4). In addition, it was made to include the aforementioned limitation in order to give players an

incentive to continue playing the game so that they can qualify for a bonus round thereby increasing the payout.

Re claim 10, Cannon teaches a system for allowing multiple networked gaming device system to participate in a secondary game (paragraphs 0019 and 0029), the system comprising: a first gaming device capable of qualifying for a secondary game (paragraphs 0048-0049), a controller for providing a secondary game indication cycle indicative that the first gaming device has qualified for the secondary game (paragraphs 0050-51), and additional gaming devices qualified to participate in the secondary game before expiration of said secondary game indication cycle (paragraphs 0049-0051), controller increases the secondary game payout award (paragraphs 0058-0059), the controller initiates the secondary game and awards the secondary game payout award to all qualified gaming devices including the first gaming device and the additional devices qualified to participate in the secondary game (paragraphs 0058-0061).

However, Cannon fails to teach the following claim limitation as taught by Sharpless: controller increases the secondary game payout award for each qualified gaming device (paragraphs 0052-0053).

It would have been obvious to one of ordinary skill in the art at the time the invention to modify Cannon invention in view of Sharpless in order to provide a bonus game architecture for shared competitive, collaborative or both types of bonus gaming among a plurality of players as taught by Sharpless (paragraph 0017 lines 1-4). In addition, it was made to include the aforementioned limitation in order to give players an

incentive to continue playing the game so that they can qualify for a bonus round thereby increasing the payout.

Response to Arguments

8. Applicant's arguments filed 11/16/2007 have been fully considered but they are not persuasive.

9. The Examiner reminds that it is the Applicant responsibility to read the entire disclosure of the prior art cited for rejections including the pertinent references cited. In addition, see the above citation for more clarifications.

10. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

11. Applicant's argument that Cannon does not teach secondary game indication cycle and that is triggered. The Examiner disagrees. The dictionary defines "a cycle as the smallest interval of time required completing an operation in a computer". Cannon positively disclosed the triggered secondary game indication cycle (paragraphs 0049-0050).

12. Applicant's argument that Cannon does not teach "the additional gaming devices are qualified during a designated duration after said first gaming device is qualified or during a predetermined number of primary game plays after qualification of said first

gaming device". The Examiner disagrees. Cannon positively disclosed the above claim limitation (paragraphs 0047-0050). See the above rejections for more clarification.

13. Applicant's argument that Cannon in view of Sharpless does not teach "for each additional gaming device that is qualified, the payout award of the secondary game is increased by a value". The Examiner disagrees. Cannon in view of Sharpless positively disclosed the above claim limitation. See the above rejections for more clarification.

14. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN L. CARLOS whose telephone number is (571)270-3077. The examiner can normally be reached on 7:30am-5:00pm EST Mon-Fri (alternate Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC
02/04/2008
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